

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEDDY RICHARDSON,

Plaintiff,

-against-

USDC SDNY
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ELECTRONICALLY FILED
DOC #: 8/8/11
DATE FILED: 8/8/11

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the July 8, 2011 Report and Recommendation of United States Magistrate Judge Andrew J. Peck (the "Report"). Judge Peck's Report recommends that Defendant's Motion for Judgment on the Pleadings be denied; that Plaintiff's Motion for Judgment on the Pleadings be granted; and that the case be remanded to the Commissioner of Social Security for further proceedings.

(Report at 1.)

Pursuant to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], any party may serve and file written objections to such proposed findings and recommendations . . ." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(2). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the

face of the record. See 28 U.S.C. § 636(b)(1)(A); Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). To date, the Parties have filed no objections to the Report.

Having reviewed the Report and Recommendation and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(A), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Andrew J. Peck dated July 8, 2011 be and the same hereby is approved, adopted, and ratified by the Court;

2. The Commissioner's Motion for Judgment on the Pleadings, Docket # 10, is hereby DENIED;

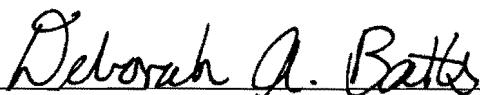
3. Plaintiff's Motion for Judgment on the Pleadings, Docket # 8, is hereby GRANTED and this matter is remanded to the Commissioner of Social Security for further proceedings pursuant to the fourth sentence of 42 U.S.C. 405(g); and

4. The Clerk of the Court is directed to close the docket in this matter.

SO ORDERED.

Dated: New York, New York

August 8, 2011


Deborah A. Batts
United States District Judge